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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,897	05/07/2002	Clyde Hughes	UDL-101	2366

7590 02/06/2003
David P Gordon
65 Woods End Road
Stamford, CT 06905

EXAMINER

LE, TAN

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 02/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,897

Applicant(s)

HUGHES, CLYDE

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This is the first office action for serial number 10/049,897, Carrier Mount, filed on 5/07/02. This application contains 18 claims numbered 1-18.
2. The preliminary amendment filed 5/7/02 has been entered.

Priority

3. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in United Kingdom 9919344.3 GB filed on 8/17/199. Applicant has not complied with the requirements of 37 CFR 1.63(c), since **the oath, declaration or application data sheet** does not acknowledge the filing of any foreign application (PCT cannot be listed for priority). A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

Drawings

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the pouch has an impact resistant panel" (Claim 4); "means for permitting an electrical connection lead to extend into the exterior of the pouch when the mounth is substantially closed" (claim 8); "the securing means is a quick release fastening arrangement" (claim 15); and "exercise apparatus" (claim 18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 4, 8, 15 and 18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, Applicant is claiming that "the pouch has an impact resistant panel" (Claim 4, lines 1-2); "means for permitting an electrical connection lead to extend into the exterior of the pouch when the mounth is substantially closed" (claim 8); "the securing means is a quick release fastening arrangement" (claim 15); and "exercise apparatus" (claim 18). However, these limitations do not describe in the specification and drawings.

Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. While Applicant is claiming "the pouch has an impact resistant panel" but does not describe how to make the impact resistant panel as claimed. One

skilled in the art would have to perform undue experimentation to make and/or use such claimed feature.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5, 8 and 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites that "an opening in the region of the upper portion..." appears to be repeated what has been claimed in claim 1 (limitation "opening" claimed twice-- double inclusive) renders the claim indefinite.

Claim 8, recites the limitation "the mouth". There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the aperture" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-7, 9, 11-12 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,354,131 to Mogil.

Regarding claims 1, 6, 7 and 9, Mogil discloses a carrier mount comprising a pouch (10) having an opening through which an object may be introduced into the interior of the pouch; securing collar (12); and a closure means for closing the opening wherein the closure means comprises a zipper closure (46).

Regarding claims 2-3, Mogil also discloses that the pouch comprises a flexible material and at least a portion of the exterior of the pouch comprises a water resistant material.

Regarding claims 11-12 and 14, Mogil also discloses that the collar is adjustable and tightenable about the frame and comprises a flexible element and is a quick release fastening element.

Regarding claims 16-17, Mogil also discloses that the pouch has opposed side panels defining major faces and a relative shallow depth; and the opening for receiving the device is provided along the upper most edge of the pouch, and the upper most edge of the pouch being substantially arcuate.

Claims 1-7 and 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,267,679 to Kamaya, et al.

Regarding claims 1, 6, 7 and 9, Kamaya et al. discloses a carrier mount comprising a pouch (1) having an opening through which an object may be introduced into the interior of the pouch; securing collar (27); and a closure means for closing the opening wherein the closure means comprises a zipper closure (21).

Regarding claims 2-3, Kamaya et al. also discloses that the pouch comprises a flexible material and at least a portion of the exterior of the pouch comprises a water resistant material.

Regarding claims 4 and 5, Kamaya et al discloses that the pouch has an impact resistant panel portion (Fig. 4B, element 22); and the pouch comprises opposed major faces and an opening (5a, 5b, 21) (Figs. 1a, 1b, 2a, 2b) in the region of the upper portion of the major faces permitting the electronic device to be received between the opposed major faces.

Regarding claims 10 and 15, Kayama et al. also discloses that the collar portion is positioned adjacent a wall of the pouch; and the collar is a quick release fastening element.

Regarding claims 11-13 and 14, Kamaya et al. also discloses that the collar is adjustable and tightenable about the frame and comprises a rigid and a flexible element

Regarding claims 16-17, Kamaya et al. also discloses that the pouch has opposed side panels defining major faces and a relative shallow depth; and the opening for receiving the device is provided along the upper most edge of the pouch, and the upper most edge of the pouch being substantially arcuate.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5,005,679 to Hjelle
5,431,265 to Yoo

5,318,084 to Jackson
6,471,054 to Nevarez

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6,113,268 to Thompson 5,725,090 to Vermillion et al.

2,691,400 to Giordano 5,207,303 to Oswalt, et al.


The above patents disclose various types of carrying cases.

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Le, whose telephone number is 703.305.8244. The Examiner can normally be reached on Monday through Friday, 9:00-6:00 and alternating Mondays. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for official communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Group receptionist at 703.308.2168.

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Tan Le
Patent Examiner
AU 3632
January 29, 2003.


RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT ~~355~~ 3632